

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ISAIAS S. ROMERO ,

Plaintiff,

v

No. 1:10-cv-00892-MV-WDS

JEREMY LUJAN , in his individual and official capacities, DISTRICT ATTORNEY KARI BRANDENBURG, in her individual capacity, ASSISTANT DISTRICT ATTORNEY JOSEPH C. HOLLOWAY, in his individual capacity, ASSISTANT DISTRICT ATTORNEY CHRISTOPHER E. MOORE, in his individual capacity, ASSISTANT DISTRICT ATTORNEY CHRISTOPHER J. SCHULZ, in his individual capacity, and JOHN and JANE DOE,

Defendants.

**ORDER GRANTING UNOPPOSED MOTION FOR LEAVE TO WITHDRAW AS
COUNSEL AND GRANTING MOTION FOR CONTINUANCE**

This matter is before the Court on the Unopposed Motion for Leave to Withdraw as Counsel (Document # 56) filed by Plaintiff's counsel. Also before the Court is a Motion for Continuance of Time filed *pro se* by Alyssa Trujillo, who is the mother of Plaintiff Isaias Romero's daughter. (Document #57) The Court was notified on March 17, 2011 of the death of Plaintiff Isaias Romero. In early April Mr. Romero's attorneys notified his mother, Rosemary Romero, and Ms. Trujillo that they would not represent them or any other parties who might wish to substitute in as plaintiffs on behalf of Mr. Romero's estate. The attorneys advised both Ms. Romero and Ms. Trujillo to seek legal advice regarding whether any of Mr. Romero's claims survived his death and whether Mr. Romero's estate should pursue the matter through a personal representative. They also advised Ms. Romero and Ms. Trujillo that if they intended to pursue the lawsuit, they should act to substitute a party on or before June 15, 2011.

Plaintiff's counsel filed their motion to be relieved on June 3, 2011. On June 14, 2011 Ms. Trujillo filed her motion for additional time to obtain a new lawyer. Ms. Trujillo has expressed no objection to the motion filed by Mr. Romero's counsel. Counsel for the Defendant district attorneys does not oppose the motion to be relieved as counsel, and does not oppose Ms. Trujillo's motion for additional time, but asks that she be given a specific deadline by which she must decide to pursue the matter or not.

The Court finds both motions well taken. The Court GRANTS the Unopposed Motion for Leave to Withdraw as Counsel. (Document #56) The Court GRANTS Ms. Trujillo's Motion for Continuance of Time. (Document #57) By August 31, 2011 Ms. Trujillo should either: (1) have new counsel enter an appearance in this matter on behalf of the personal representative of the Estate of Isaias Romero or (2) notify the Court and opposing counsel that she does not intend to pursue this matter. If no action is taken by August 31, 2011, this matter is subject to dismissal with no further notice from the Court.

IT IS SO ORDERED.



W. Daniel Schneider
United States Magistrate Judge